The Cochin Land Conservancy Act Amendment Bill. Second reading.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I beg to present the Select Committee Report on the Cochin Land Conservancy Act Amendment Bill * and move that the Bill may be taken for consideration. The Select Committee has not substantially amended the Bill. In fact the only important variation introduced by the Select Committee consists of prescribing the limit of a Dhannu on either side of the road within which excavation should not be undertaken without the permission of the Diwan Peishkar. The remaining recommendations are more or less of a verbal nature and they relate only so far as the limits of the area within which interference cannot be allowed. I am sure it will be accepted by the House. I move, Sir, that the Bill be taken up for consideration.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—I second it.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ *(Ezhuvas North).*— സർ, കൊട്ടങ്ങല്ലൂർ താലൂക്കും, കൊച്ചി കണയന്നൂർ താലൂക്കും മാത്രമാണ് ഇതിൽ ഉൾപ്പെട്ടന്നത്. തൃശ്ശൂർ താലൂക്കിന്റേയും, തലപ്പിള്ളി താലൂക്കിന്റേയും പടിഞ്ഞാറു ഭാഗം മുഴുവൻ മണൽ പ്രദേശമാണ്. ആ പ്രദേശവും കൂടി ഇതിൽ ഉൾപ്പെട്ടത്തണമെന്നാണ് എനിക്കു പറയാനുള്ളത്. അതിനുദാഹരണമായി ചാഴൂർ പഞ്ചായത്തു കോവിലകം റോഡിനെപ്പറ്റിയുള്ള എഴുത്തുകുത്തുകൾ ഇനിയും അവസാനിച്ചിട്ടില്ല.

Motion put and carried.

Mr. President.—The whole thing has been done in an irregular fashion. What am I to put for voting now?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Clause 2 may be put.

Clause 2 put and carried.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Then after clause 6 a new clause is introduced as clause 6 A (1), (2) & (3). That is the Select Committee Report.

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* Vide Appendix I.

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That is a new section after section 6. That is the only change they have made.

Mr. President.—Then the proper form is to say "we propose that the present clause 3 of the Bill be omitted and in its place the following may be substituted". You have always to keep that in mind. These have to be properly observed.

The question is that clause 3 as amended shall form part of the Bill. Whenever there is an amending Bill you must always keep a distinction between the amending Bill and the original Act of which it is an amendment, and the two should not be mixed up.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—My amendments are only more verbal changes. They are:—

Delete the words "and included within a Dhannu" occurring in sub-clause (1) of clause 6A of the Bill and substitute for them the words "and within one Dhannu" and in the same sub-clause substitute the word "their" for the word "its" occurring between the words 'impair' and 'utility'.

Amendment put and carried.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—There is one more amendment to the sub-clause (2). "Substitute 'Director of Public Health and Panchayats' for the words 'Panchayat Overseer' occuring in 6A (2)".

Amendment put and carried.

Clause 3 as amended put and carried.

Mr. President.—This measure has been presented in the most irregular form. The House does not know what it is voting upon. Therefore, I cannot take the Bill for consideration.

Further consideration of the Bill was postponed.

The Cochin Debt Conciliation Act Amendment Bill.

Mr. Thomas Manjuran *(Government Advocate and Law Officer.)*—Sir, I beg to introduce the Cochin Debt Conciliation Act Amendment Bill.

Mr. K. M. Ibrahim *(Cranganur).*—Will the Hon'ble President allow me to raise a point of order?

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APPENDIX I.

THE COCHIN LAND CONSERVANCY ACT (AMENDMENT) BILL.

(as modified by the Select Committee.)

Preamble

Whereas it is expedient to amend the Cochin Land Conservency Act, IV of 1096, hereinafter referred to as the said Act, it is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the Cochin Land Conservency (Amendment) Act, of 1113 and it shall come into force at once.

Amendment of the preamble to Act, IV of 1096.

2. In the preamble to the said Act the words ' and interference with ' shall be inserted between the words ' of ' and ' Government '.

Insertion of section 6A in Act IV of 1096.

3. After section 6 of the said Act the following section shall be inserted.:—

Penalty for digging etc. on lands adjoining public roads without permission.

"6A. (1) Any person who, without the permission of the Diwan Peishkar, previously obtained, and without, such precautions, as the Diwan Peishkar might direct him to take in that behalf, digs, deepens or does any other similar act upon any property belonging to him or in his possession and included within a Dhannu (9·24 feet) on either side of the public roads situate in Cochin-Kanayannur Taluk and Cranganur Taluk, which causes damage or threatens to cause damage to such public roads, or, diminishes or threatens to diminish or in any other manner impairs or threatens to impair its utility, shall be guilty of unauthorisedly and illegally using such property and shall be liable to pay a fine, not exceeding Rs. 50 as may be fixed by the Diwan Peishkar. Such fine shall be imposed only in the event of such person failing to comply with the requisition lawfully made by the Diwan Peishkar or any person authorised by him to discontinue such act and to restore such damaged road to its original conditions.

(2) The Chief Engineer or the Panchayat Overseer or any person authorised by any one of them shall have the power to enter upon any land which belongs to, or in the possession of, the offenders and do such acts as are necessary to protect the public road or to restore it to its original condition.

(3) An appeal shall lie to the Diwan from an order passed by the Diwan Peishkar under clause (1)."

Insertion of section 8A in Act IV Of 1096.

4. After section 8 of the said Act the following section shall be inserted:—

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"8A. (1) Any person who is or continues to be in unauthorised occupation of any land which is the property of Government, after the expiry of the period mentioned in the notice issued under section 8 and whether before or after an order of forfeiture passed under that section, shall be liable to pay a daily fine not exceeding ten rupees as the Diwan Peishkar may direct, until the land is vacated.

Penalty for continued unauthorised occupation after notice to vacate.

(2) When an order of eviction is in force it shall be lawfull for the Diwan Peishkar or other officer authorised by him in that behalf to cause such works to be executed, such measures taken or such things done as may, in the opinion of the Diwan Peishkar or such other officer as aforesaid, be deemed necessary to remove the encroachment and to restore the land to its original condition.

(3) In all cases in which an order of forfeiture has been passed under secton 8, the whole or such part of any structure erected, any building constructed or any other improvement made on the adjoining land as it may be found necessary to pull down, cut away, remove or otherwise interfere with, shall, for the purpose of this section and of section 8, be deemed to have been erected, constructed or made on the land unauthorisedly occupied.

(4) All expenses incurred and all fines imposed under this section shall be recoverable in the manner prescribed in section 11 from all or any of the persons who may have been in unauthorised occupation of the land.

(5) No suit for damages or otherwise shall lie against any officer or any person acting under his orders for anything lawfully and in good faith done under this section."

5. (1) In section 11 of the said Act between the words 'encroachment' and 'shall' the words 'and all fines imposed under section 6A (1)' shall be inserted and to the same section the following explanation shall be added:—

Amendment of section 11 of Act. IV of 1096.

"*Explanation.*—Removal of encroachment includes restoration of the land to its original condition."

APPENDIX II.

THE COCHIN DEBT CONCILIATION ACT AMENDMENT BILL.

Whereas it is expedient further to amend the Cochin Debt Conciliation Act, XXVI of 1112, it is hereby enacted as follows:—

Preamble.

1. (1) This Act may be called the Cochin Debt Conciliation (Amendment) Act of 111 .

(2) It extends to the whole of Cochin State and shall come into force at once.

Short title, extent and commencement.

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